

**Application No.:** 10/652,100  
**Filing Date:** August 28, 2003

### REMARKS

The foregoing amendments and the following remarks are responsive to the Office Action mailed on January 6, 2010 (the "Office Action").

As discussed during the Interview, Applicant respectfully requests the Examiner to contact Applicant's representative, Gregg Koch, at 310-407-3471 to discuss the amended claims listed herein should any of the claims not be allowable.

#### Amended and New Claims:

By this amendment, new dependent Claims 88-92, which directly or indirectly depend from pending independent Claims 6, 14, or 78, are added. Additionally, new independent Claim 93 and dependent Claims 94-100 are added by this amendment.

In Applicant's response dated July 27, 2007, Applicant, inter alia, elected with traverse the invention of Group I (Claims 1-31) for further prosecution. According to the Office Action to which the July 27, 2007 response replied, Claims 1-31 are drawn to an appliance for administering a reduced pressure treatment to a wound. Claims 93-100 added by this amendment are also directed to Group I that was elected on July 27, 2007, in that these claims are also directed to an appliance for administering a reduced pressure treatment to a wound. Applicant further submits that withdrawn Claims 32-37 were previously amended to be directed to Group I, and respectfully requests that these withdrawn claims be reinstated.

Applicant submits that no new matter is being introduced by this amendment, and that all of the newly added claims are allowable for at least the same reasons as stated below for the other pending claims, and also because they each recite further patentable distinctions.

#### Claim Rejections:

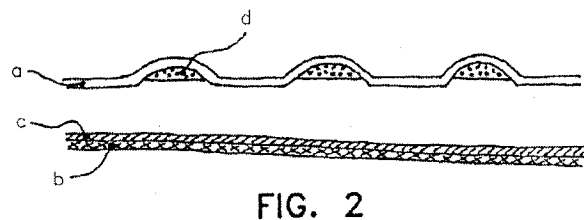
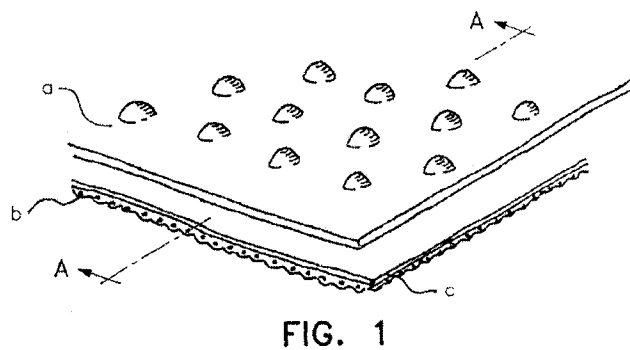
While Applicant respectfully disagrees with the Examiner's rejections, to advance prosecution, Applicant has amended one or more claims to address the Examiner's comments. Applicant is not acquiescing to the rejections and reserves the right to pursue in a related application claims at least as broad as the amended claims prior to the amendments set forth herein. Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Claims 6-11, 66, 71-75, and 78-85 stand rejected under 35 U.S.C. 102(e) as being anticipated by Samuelsen. Respectfully stated, Applicant submits that none of Claims 6-11, 66, 71-75, and 78-85 are anticipated by Samuelsen because Samuelsen does not disclose or suggest every element of each claim arranged as in each claim. See MPEP §2131.

Additionally, Claims 12-23, 61-62, 77, and 86-87 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Samuelsen. Applicant also submits that none of Claims 12-23, 61-62, 77, and 86-87 are unpatentable over Samuelsen because Samuelsen does not disclose, suggest, or render obvious all of the elements of Claims 12-23, 61-62, 77, and 86-87.

Regarding Claim 6, to advance prosecution, Applicant has amended Claim 6 as discussed during the Interview to clarify additional distinctions between the invention set forth in Claim 6 and the article disclosed in Samuelsen. In particular, Claim 6 has been amended to clarify that each protrusion comprises at least one surface that is configured to be exposed to the space between the cover and the site of the body part being treated beneath the cover.

As discussed during the interview, Applicant submits that Samuelsen does not disclose or suggest, inter alia, this limitation. As discussed, with reference to Figures 1 and 2 reproduced below, the “cover layer or release liner a having embossments in the form of bulges, bosses, bumps, lumps or bunches” (see Col. 6, lines 33-38) of Samuelsen is merely a release liner that covers and/or grades the adhesive layer c.



This conclusion is supported at, inter alia, Col. 4, lines 49-60, which states that the article has a “cover layer for protecting the adhesive surface wherein a further component is located in indentations in the surface of the cover layer facing the adhesive surface.” As further described in Samuelsen, “the further component d is located in the tops of the bulges, bosses, bumps,

lumps or bunches” (see Col. 6, lines 39-42), to enable a user to grade the adhesive properties of the adhesive layer c with the further component d. (see Col. 5, lines 38-50; Abstract).

Accordingly, Applicant submits that the cover layer a having the “bulges, bosses, bumps, lumps or bunches” is merely a protective cover layer/release liner that is removed from contact with the adhesive layer prior to application of the article to the target location and discarded. There is no disclosure or suggestion in Samuelsen that the cover layer/release liner a can be positioned over a wound or a body either alone *or* in combination with the adhesive layer c and the backing layer b. This is logically due to the fact that, if the protective cover layer/release liner is *not* removed from the article prior to placing the article at the target location, the adhesive layer c would not be exposed and, therefore, would not be capable of adhering to the target surface, thus rendering the article incapable of serving its purpose as “an article having a surface showing adhesive properties.” (see Col. 1, lines 6-7).

For at least these reasons, Applicant submits that Samuelsen does not disclose or suggest, inter alia, a cover comprising a plurality of protrusions, wherein each protrusion comprises at least one surface that is configured to be exposed to the space between the cover and the site of the body part being treated beneath the cover.

Similarly, to advance prosecution, Applicant has also amended Claims 14 and 78 as discussed during the Interview to clarify additional distinctions between the inventions set forth in Claims 14 and 78 and the article disclosed in Samuelsen.

In particular, Claim 14 is amended herein to clarify that the pressure monitor comprises at least one surface that is configured to be exposed to the reduced pressure in the space between the cover and the wound, and Claim 78 is amended herein to clarify that each of the plurality of protrusions covering at least the majority of the outside surface of the cover has an inside surface that is configured to be in direct communication with the reduced pressure beneath the cover. Applicant submits that these claims are patentable over Samuelsen for at least the reasons set forth above for Claim 6, and also because Claims 14 and 78 set forth additional patentable limitations.

Regarding the claims depending from Claims 6, 14, and 78, Applicant submits that these claims are not anticipated by, suggested by, or unpatentable over Samuelson for at least the same reasons as for the claim or claims from which they depend, and also because they each recite

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further patentable distinctions. For example, regarding Claims 12-13, Applicant submits that the use of color changes and audible alarms are not widely known in the art of wound dressings as signaling devices and that it would not have been obvious to one of ordinary skill in the art to provide the appliance of Samuelsen with a different color or audible sound to achieve the result of providing a noticeable signal, as stated at page 4 of the Office Action.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of pending Claims 6-23, 61-62, 66, 71-75, and 77-87 in view of the amendments and clarifications listed above and to pass these and the new claims to allowance.

#### New Claims

Applicant submits that new independent Claim 93 patentably distinguishes over Samuelsen. Samuelsen does not teach or suggest, *inter alia*, an appliance for administering a reduced pressure treatment to a wound, comprising: a wound dressing comprising a cover adapted to cover and enclose the wound and adapted to maintain reduced pressure in a space between the cover and the wound; and a pressure monitor comprising a protrusion protruding above a surface of the cover and configured to be displaced downward to provide a visual indication of a level of reduced pressure beneath the cover; a vacuum pump; and a conduit configured to connect the vacuum pump to the dressing.

Applicant further submits that Claims 94-100 recite a unique combination of features not taught or suggested by Samuelsen. Accordingly, Applicant submits that these claims are also allowable.

#### No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

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Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications.

Serial Number	Title	Filed
11/075,020 BLSKY.013A	ENCLOSURE-BASED REDUCED PRESSURE TREATMENT SYSTEM	03/08/05
11/095,859 BLSKY.014A	ADJUSTABLE OVERLAY REDUCED PRESSURE WOUND TREATMENT SYSTEM	03/31/05
11/098,203 BLSKY.015A	REDUCED PRESSURE WOUND CUPPING TREATMENT SYSTEM	04/04/05
11/132,549 BLSKY.016A	HYPOBARIC CHAMBER TREATMENT SYSTEM	05/19/05
11/064,813 BLSKY.017A	FLEXIBLE REDUCED PRESSURE TREATMENT APPLIANCE	02/24/05
11/098,265 BLSKY.017CP1	FLEXIBLE REDUCED PRESSURE TREATMENT APPLIANCE	04/04/05
11/784,021 BLSKY.019A	INSTRUCTIONAL MEDICAL TREATMENT SYSTEM	04/05/07
12/186,424 BLSKY.024A	WOUND OVERLAY WITH CUFF FOR WOUND TREATMENT EMPLOYING REDUCED PRESSUR	08/05/08
12/375,191 BLSKY.020NP	DRESSING	01/26/09
10/575,870 SMNPH.006APC	WOUND CLEANSING APPARATUS WITH SCAFFOLD	04/17/06
11/577,642 SMNPH.011APC	SIMULTANEOUS ASPIRATE & IRRIGATE & SCAFFOLD	08/23/07
12/094,963 SMNPH.020APC	FIBROUS DRESSING	09/23/08

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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